

People Protection

Risk Management & Insurance
Manual for Faith Organisations



02

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People Protection

Your Church is more than bricks and mortar.

Protecting your Church isn't just about protecting the building, it's about protecting the people who make up the Church, the community of the Church, your ministry, your staff, your congregation and anyone who uses Church property.

As a Church, along with cover to protect damage to your building and contents, you also need to insure your organisation for:

***Public Liability.* The cost of compensation against legal liability arising from injuries or damage to other people or property.**

***Professional Indemnity.* Protection of your Church against legal liability which may occur through professional advice ie. via Ministry services.**

Understanding Public Liability

Your Church has a duty of care to its people. Even when the best care is taken, accidents can happen.

This section covers those acts, or lack of action, which – through negligence or malicious intent – result in damage or loss of personal property, or injury to others.

Understanding your responsibilities

Your Church is responsible for the safety of its congregation, its people and all visitors. This duty is magnified for the Church when people are on Church property or under the direction, care or control of the Church. People must not be placed at risk through negligence. If the Church causes harm to them, damage to their property, or is responsible for any financial loss, it may be liable in accordance with the law.

Public liability insurance

Public liability insurance protects you and your Church against negligence. If someone makes a claim for damages against you, because of an action or an omission on your part, public liability insurance covers you.

What is negligence

Negligence can be defined as *the failure to take that degree of care which the law requires for the protection of the interests of people*. It is generally understood to be the degree of care that a reasonable person could be expected to exercise in a given set of circumstances.

This is known as the Reasonable Person Test.

Any claim will first be judged against this test.

Damage to other people's property

If people damage their own property, through their own fault, on your property, it is their responsibility.

If the damage is caused by negligence on behalf of the Church, it is the Church's responsibility. Public liability insurance is designed to cover this possibility.

Injury to people on Church property

If a person is injured on Church property – or while under Church care – and it can be proven to be caused by the Church's negligence, the Church can be held legally responsible.

Public liability insurance also covers this responsibility.

In some states, liability for injuries sustained to paid employees is covered under compulsory workers' compensation insurance.

Voluntary workers are generally covered under a separate voluntary workers personal accident policy for limited sums. (There is no need to establish negligence against the Church for a claim to be paid under these insurances.)

Handling Public Liability Claims

Recognising potential public liability claims

We live in an increasingly litigious society. Any written message suggesting that the Church may be responsible for injury or damage is a potential Public Liability claim. Any verbal approach along similar lines is also a potential claim. The person to whom it is directed should record these in writing.

Common causes of public liability claims

Property

- stairs, steps and uneven surfaces
- hot water urns, unstable chairs and tables
- wet floors and damaged floor coverings
- obstructions, electrical cords and children's toys
- falling tree branches

Personal

- voluntary workers
- inadequate supervision of children's activities
- youth group activities
- prayer lines (especially at rallies)
- alleged abuse or harassment

Handling incidents that may lead to public liability claims

In determining who is liable for what, judges look for as many proof points as possible. Get as much in writing as you can. This is extremely important.

Any incident that results in injury or property damage should be carefully documented in the Church's accident report book. Or complete an accident investigation form as soon as possible.

Sample Accident/Hazard Report Forms can be found in (Attachment D).

Acting on public liability claims

Should offers be made to pay for costs that form part of a claim?

While early action and offers to reimburse costs sometimes result in minimising the final cost of a claim, they can also lead to an expectation for more money on the part of the claimant. They can imply an admission of liability.

Be helpful. Be empathetic. However, no settlement offers or admission of liability must be made on behalf of the Church to any potential claimant without the agreement of Ansvar Insurance.

On receipt of a claim

Do not admit liability. Acknowledge you have received the claim. Then explain you are forwarding it to Ansvar Insurance for attention.

Notify us immediately, and provide copies of any documents, reports, investigation forms, letters, accounts or any other relevant information. As a rule, the sooner we know, the more we can help. Don't wait for proceedings to land on your desk. If an incident occurs, let us know. This can prevent major difficulties, increased claim costs and higher premiums.

Understanding Professional Indemnity Insurance

Your Church, and its ministry team, should be protected against liability caused by professional negligence. Professional indemnity insurance provides this protection.

Professional indemnity insurance

A professional indemnity insurance policy covers your Church against any alleged act of professional negligence, error, omission or misconduct.

The policy also pays the cost of any legal expenses incurred in relation to a potential claim. (As long as they are incurred with the prior written consent of Ansvar Insurance.)

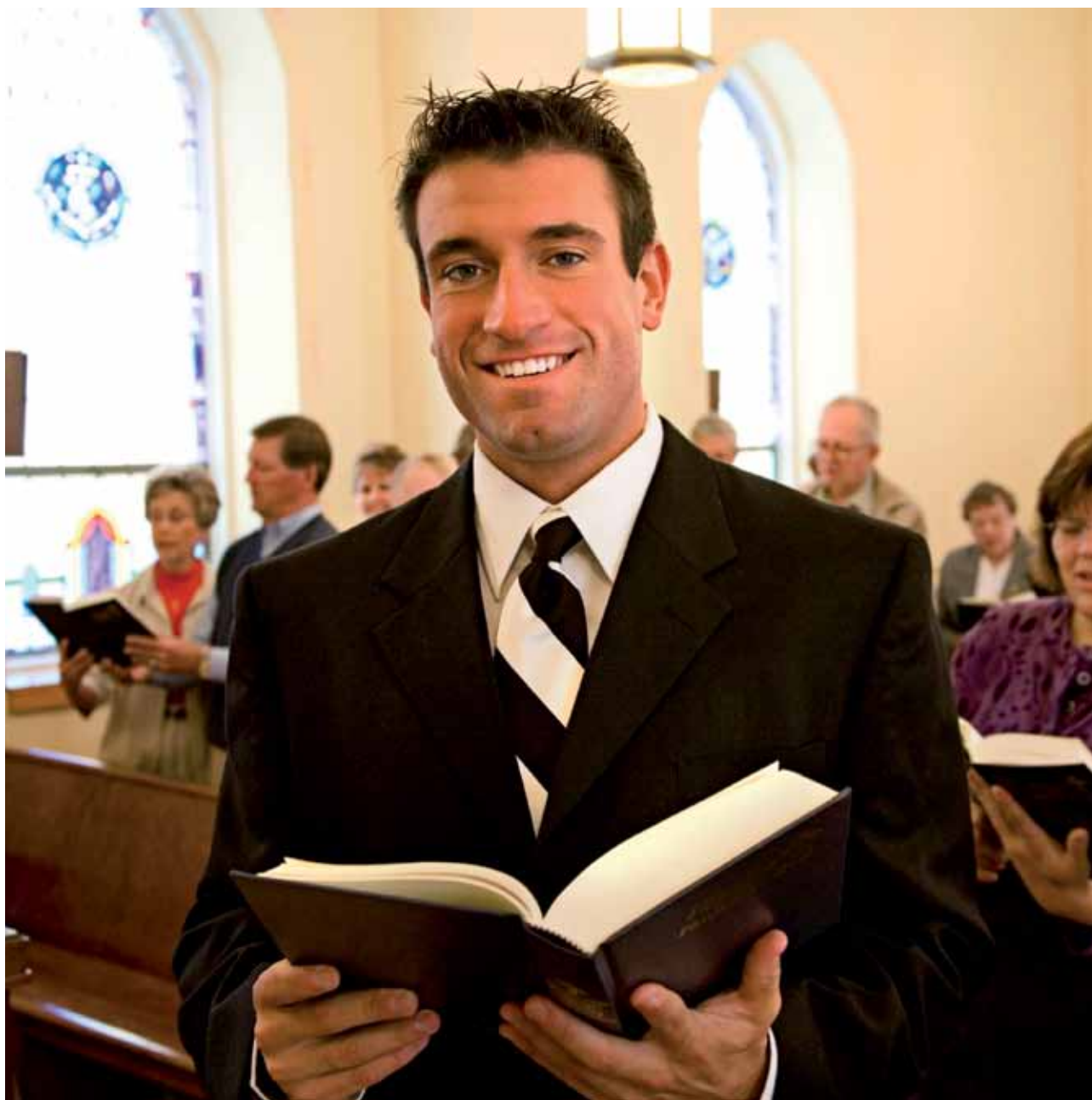
To establish a claim it is necessary for the claimant to show that the ministry team or a member of the team has acted in a negligent manner. If this action results in a loss to a person or organisation, they can seek a claim against the Church.

Professional indemnity insurance covers your church in the event of a claim made against you:

- breach of duty – to paid employees or volunteers
- wrongful advice – this includes counselling, pastoral care or teaching
- defamation
- infringement of copyright, designs and trademarks
- the cost of coronial inquiries and investigations by disciplinary bodies.

As with public liability claims, any incident that may give rise to a claim under this policy should be reported immediately to Ansvar Insurance.

Ministry Team



Specific risks to the Church's ministry team

Due to their visibility in the community – and the roles they are asked to take – there are many times when ministry teams and Churches are, unfortunately, at risk of being sued. There are some common sense precautions all members of the team can take.

Leadership behaviour

People's perception of some leadership behaviour can present a risk to the Church. When considering someone for a leadership role, some of the more important issues include:

Responsibility for the appointment rests with the relevant ministry team leader. No one else can appoint a leader.

Clarify the role. Keep a profile of the personal qualities, spiritual qualities and other capabilities required for leaders in your ministry to ensure that suitable people are appointed to each leadership position.

Set clear guidelines. Establish a set of clear guidelines that explain what is considered appropriate behaviour for leaders in each ministry. These should be explained to all leaders, with a record kept of guideline training.

Ministry Team (cont'd)

Not just a role, but a role model. Remember that leaders are role models. They must set a good example at all times, not only when performing their work for the ministry team.

Don't mix messages. Leaders need to be seen to do the right thing. Demonstrating Christian behaviour, ethics and compliance with the Church's moral code is extremely important to ensure they don't send conflicting messages to those in the Church's care.

Dress codes should be modest. This does not mean however, that dress needs to be dull and boring.

Stay within the boundaries. Relationships between leaders and those they minister are important. However, leaders need to understand the difference between a leader-to-follower and friend-to-friend relationship. They must make sure they are not fulfilling their own inter-relationship needs in these relationships.

Pastoral care activities

The rules governing what is acceptable in society are changing all the time. This is a huge impact on anyone administering pastoral care to the congregation. Some simple, common sense rules include:

Stay in the open. Remain in full view of others. Being alone with a person places a leader at risk of accusations of misconduct. Without the support of others, this could be difficult to rebut.

Share information with the ministry team leader. Inform the ministry team leader of what is being done, how long it will take, where the worker is going, with whom and the purpose. This gives added protection should anything unforeseen happen.

Have a third person present where possible. This is especially important when ministering to a member of the opposite gender.

Avoid touching. Always ask permission to lay hands on someone. Respect confidentiality but avoid getting trapped into keeping a destructive secret.

If asked to promise not to reveal anything you are about to be told, explain that you will endeavour to do so. Also, explain that there is a duty owed to others and that should you become aware of some potential harm being caused to them, appropriate action must be taken, such as reporting criminal activity to the authorities.

Group leadership

Leaders of small groups need to be aware of some of the dangers, problems, moral dilemmas and temptations they may be exposed to in their role and how to deal with those issues.

Know your place. Small group leaders are part of a team. They should know their place in the team, what their responsibilities are and who they can turn to if they experience difficulties.

Know the boundaries. Be sure they know when to act as a leader as opposed to a friend.

Keep it professional. They should not respond to or initiate flirting with those they lead.

Keep it above reproach. Leaders should be aware of sexual feelings they may experience towards those they minister. In these circumstances, they must act in accordance with strict moral principles.

Take care. Leaders are often so busy tending the needs of those they lead, they forget to take care of their own physical, mental and spiritual wellbeing.

Stay accountable. Leaders must retain their integrity. They should be accountable to someone independent of the group they lead. This person should be free to ask leaders direct and specific questions.

Be aware of inequality of power. Leaders have the power to influence people and their behavior. This power must not be seen to be abused.

Platform behaviour

When leaders are addressing the congregation from the platform they project an image of authority, power and influence. It is important that leaders understand this and realise it is a privilege not to be abused.

If a leader intends to speak about other people in an address, using them or their experience as examples, permission should always be sought even if the people concerned are not named.

They must fully explain what is intended to be said in the address and proceed only if they are certain the request has been understood and permission granted by the person concerned.

Counselling others

Counselling puts the counsellor in a position of trust. With this comes a range of responsibilities all counsellors must be aware of.

Respect confidentiality. But avoid promising complete confidentiality. There are levels of confidentiality. You should be prepared to explain this. There may be a time when you need to report a situation to the Police or the Child Protection Authority in your state. Refer to state legislation for details.

Do not counsel beyond your level of expertise. If in doubt, refer the matter to your leader. They should be able to advise on how best to handle it and, if necessary, redirect the person requiring counselling to appropriate help.

Be aware of where you are. Do not counsel anyone in places where the session may be considered to be a social interaction or date.

Keep a written record. Record each session for future reference and as protection in the event of litigation. If needed, for the protection of the counsellor and the person being counselled, consider involving a third person in the sessions by mutual agreement.

Don't go too deep. Do not commit to intensive personal or long term involvement. This can result in a dependence on the counsellor. This may lead to difficulties for both parties.

Keep your business to yourself. Take care with self-disclosure. While it is important to demonstrate empathy, a high level of professionalism must be shown by the counselor.

Keep it in the open. Where possible, remain in view of others when conducting counselling sessions.

Avoid touch. Ask permission to lay hands on someone. Appropriate touch is on the shoulder, the head or the top of the back.

Be seen to be professional. Avoid going to the home of a member of the opposite gender if they are going to be home alone. Obtain the permission of the person to be counselled to bring another person to the session.

Prayer lines

Prayer lines can be one of the most hazardous places to be in a Church service. Many people have fallen backwards in prayer lines and suffered injuries from fractured skulls and brain damage to broken limbs, torn tendons and back injuries.

There are some simple precautions to keep in mind.

You're just as close when you kneel. Ask people who respond to an altar call to kneel or sit on the front row of seats rather than stand. This is especially relevant if a lot of people respond – and then need to stand for a long time.

Be there for them. Always have another person standing behind anyone who is standing or kneeling for prayer. They can act as a catcher in case they fall. The catcher should stay until the person praying has left the prayer area.

Use like-for-like catchers. For example, if the person being prayed for is a large adult, use another large adult to act as catcher.

Organise your team. Pray for people in an orderly manner and do not rush from one end of the prayer line to the other. Make sure that people acting as catchers are in place before you commence praying.

Rest when you're done. Ask people to sit or kneel once they have been prayed for. Some people become very emotional and physically disoriented after prayer and everything must be done to make sure they are safe.

Management Team

Directors and Officers Liability insurance

Your directors and officers will hold a lot of responsibility. As a result, if a wrongful act is committed, they will need to take responsibility. You can cover them under a Directors and Officers Liability policy.

Directors and Officers Liability insurance covers:

- the personal liability of board members, the Church council and Church elders
- past, present and future board members
- financial mismanagement
- denial of natural justice
- legal costs associated with a claim

To establish a claim under the policy it is necessary to show that a director or officer of the Church has committed a wrongful act that has resulted in a loss to the person seeking to claim against the Church. All claims and potential claims should be reported to Ansvar Insurance immediately.

Voluntary Workers

Voluntary workers are people who perform services or functions for the Church for no financial reward. They are an important resource to Churches, worthy of support, protection and guidance.

Voluntary workers are involved in many tasks in a Church. Their duties can best be divided into four categories: physical, spiritual, event organisation and the provision of social services. Their work will often represent a combination of all four. Here are some examples.

Physical

Working bee activities, office administration, maintenance, cleaning and setting up of facilities.

Spiritual

Prayer team, conducting worship services, visiting the sick, counselling and supporting the emotional needs of the congregation.

Event organisation

Running youth groups, outreach events, fundraising and related activities.

Social services

Assisting the community in welfare matters such as supporting people with financial problems, providing food packages, carrying out job searches and providing clothing and furniture.

Responsibility for the safety of voluntary workers

Because voluntary workers are usually inexperienced they are owed an even greater duty of care than that owed to paid employees.

The Church has an obligation to look after the health and safety of its volunteers. Please check the Occupational Health and Safety legislation in your state to understand your responsibilities.

Volunteers providing specialist services

As a rule, if in doubt, rule it out.

There are no hard and fast rules about the involvement of voluntary workers. However, people in leadership positions must realise that the Church has a duty of care to its voluntary workers and to the people who are assisted by their work. You may be liable for how the voluntary workers perform their duties and any damage or injury they may cause.

If you have any doubts as to whether a task can be performed safely by volunteers, do not allow volunteers to undertake the task.



Voluntary Workers (cont'd)

Some things to consider.

- Are they qualified? Be certain anyone who volunteers to perform specialist tasks has an appropriate trade background and qualification.
- Are they physically fit? Make sure the volunteer is physically fit for the task.
- Do they have the right equipment? It is the Church's duty to ensure the volunteer has the appropriate tools or safety equipment for the task they are to perform.
- Can they be trained? If possible, can you provide the training they may need? If appropriate training cannot be provided, do not let them perform the work.
- If in doubt, rule it out.

Case study

While rare, there have been some tragic accidents to volunteers on Church grounds around Australia. Many of these could have been avoided.

A voluntary worker for a Lions Club died as a result of injuries received while performing work for the club

A volunteer assisting his local Church became a quadriplegic when he fell through the roof of the Church building.

Working bees

Working bees are commonplace at most Churches. It is important that a supervisor is appointed to control a working bee and allocate the tasks to be undertaken. They should:

Put the right people on the right tools. Ensure the nature of work is matched to the physical capabilities of the volunteers. Make sure the person doing the job has the right skill levels for that task.

Keep it safe. Ensure personal protective equipment is supplied and used.

Use the right tools. Ensure equipment is appropriate for the job, and kept in a safe condition.

Protecting volunteers with insurance

Accidents can happen.

There are two forms of insurance, which can cover the volunteer, and the Church.

Personal Accident Insurance provides limited financial protection for volunteers who are injured while performing voluntary work.

Public Liability insurance provides protection for the Church if the volunteer has been negligent in the manner in which they carried out their duties. This insurance can also protect the volunteer from litigation.

As with all potential claims, if there is any likelihood of someone pursuing a claim against the Church, the matter should be reported to Ansva Insurance immediately.

Child & Youth Leadership

Duty of care to the young

Children have an increased reliance on leaders. Any leaders with responsibility for youth must be aware of, and be able to handle, the extra responsibilities.

In Australia, anyone wishing to work with children must undertake a screening process and be registered. Any Church wanting to appoint a person to work with children must ensure that all legislated checks and screening procedures have been met. Failure to comply can result in fines or convictions.

Details of the requirements for each state can be found on the Ansvar Insurance website ansvar.com.au

Medical conditions

Leaders must be aware of any medical conditions in the group. They should understand and be able to deal with any potential problems and know what to do in the event of an emergency.

They should:

Find out what. Ask group members, or their parents, about medical conditions.

Find out how. Ask how to manage the medical conditions identified.

File it. Ask members to record instructions or information about the medical conditions and medication for future reference and the benefit of other leaders. That information should be kept in an easily accessed area.

Know the risk. If any special precautions need to be taken when organising any events that involve the risk of physical injury or aggravation of a medical condition, take the precaution.

Be prepared. Where possible, have access to a first aid kit and have contact details of the nearest hospital or clinic. Leaders should be adequately trained in First Aid.

Allergies to things such as bee stings and nuts can be life threatening. Asthma is also a common problem.

Leaders need to be aware that young people with these conditions will often have medication with them and should know how to administer the medication in an emergency.

Transport of those in our care

There are often times when it is faster and easier to drive. Leaders who wish to act as drivers should be registered with the Church.

We have attached a [Volunteer Driver's Application and Registration document \(Attachment F\)](#) for reference.

The following guidelines should be strictly adhered to.

- All drivers are expected to drive responsibly and carefully.
- All traffic laws must be obeyed.
- Only carry the number of passengers for which seat belts are fitted.
- All passengers must wear seat belts.
- Vehicles must be registered.
- Drivers carrying passengers must be on their full license.
- Learner or restricted licenses are not acceptable.
- A copy of the license of all leaders authorised to drive should be kept on the Church's file – and sighted annually.
- Passengers must be driven directly to and from designated venues – unless prior permission has been obtained from guardians to deviate.
- Single passenger trips should be avoided.

Managing functions and special events

Special functions and events are a major part of Church life.

When running events, for youth or children, it is important to ensure they:

Stick to the schedule. Events for children should run to an agreed and advertised timetable. Parents should be notified about any changes to the schedule.

Keep them informed. Parents should be able to make informed decisions about any event. Advertising material or brochures are good ways to provide details about timings and the nature of any activities.

Get their consent. Where necessary, ensure consent forms are signed by parents. This is usually when there is some risk of injury or when travelling to a secondary or unfamiliar location. Disclosure of medical conditions should also be sought.

Moral welfare

All leaders must set and adhere to the highest moral standards, ensuring that those under their control are not exposed to material of an unsuitable nature.

They must:

- use a high standard of language at all times
- select appropriate DVDs, music and television shows for the age group
- ensure any activities are appropriate for the age of those being led.

Discipline

Discipline is an important tool for a leader. It helps the group function properly and lets members enjoy the experience.

Discipline of children and youths is largely the province of parents. Leaders must not use inappropriate discipline with those in their care.

- Your first option should be to use verbal correction that is age appropriate.
- A second option is to consider time-out.
- Do not physically discipline those in your care, with or without parental permission.
- Consider reporting bad behaviour to a child's parents.
- If disciplinary action needs to be taken, the relevant department leader needs to be informed of the action.
- If a problem persists, seek help from another leader.

Crèche care

In a crèche where care is being provided for young children it is imperative that leaders are thoroughly checked for their suitability.

More information is available on page 5, Ministry.

You may also like to check out the [Volunteer Worker's Application and Registration document \(Attachment E\)](#), and [Volunteer Child/Youth Leader's Application and Registration document \(Attachment G\)](#).

It is important to consider the following.

Keep the parents informed. Parents of children under the crèche's care should be fully aware of the type of activities to be provided.

Two at a time. Ensure there are at least two crèche helpers supervising at all times.

Keep a record. Children must be signed into and out of the crèche by the same person. If this is not possible, ensure you get permission from the person signing the child in, for another person to sign the child out.

Please go before they get there. Ask parents to take their child to the toilet before entering the crèche.

Organised toilet stops. If a child does need to be taken to the toilet, ensure a disabled access toilet is used where available. Another helper should be informed and more than one child should be taken at a time.

Child abuse

This is a very sensitive area. Leaders working with children and youth must agree to give details of any police record or other relevant information.

More details can be found on page 16, Child Molestation.

Please also check the recommended [Volunteer Child/Youth Leader's Application and Registration document \(Attachment G\)](#).

Some things to consider:

- Anyone convicted of abuse must never be allowed to work with children or youth.
- **Abuse is not just physical.** Abuse can be sexual, emotional or involve neglect.
- **Know your obligations.** There may be an obligation to report suspected child abuse to the Police or other authorities. These obligations differ from state to state. More information can be found on the Ansvr Insurance website ansvar.com.au or through your state child protection authority.
- **Know your limits.** Leaders should be aware of the limits of their authority and the nature and importance of boundaries. Ignorance is not an excuse.
- **Understand 'power issues'.** These are detailed on page 5, Ministry Team.
- **Be honest.** Leaders should be self-aware and honest about their personal vulnerabilities. If leaders consider themselves to be a risk they should remove themselves from the roles that may pose a problem.

Safe Playgrounds



Many Churches now install playgrounds for children attending the worship complex. It is important to realise the Church is responsible for keeping the equipment in good condition and ensuring children are adequately supervised.

Checking playground safety

Regular checks. Playgrounds should be checked daily to see that equipment and surfaces are in good condition.

Watch the children. Children should be carefully supervised in playgrounds to make sure they are safe.

Soft landings. Surfaces around playground equipment should have wood chips, sand or similar low impact products around them to a depth of at least 30cm. You can also use specially designed playground mats made of rubber-like materials.

Give them room. Protective surfaces should extend at least two metres in all directions from play equipment. For swings, be sure the protective surface extends behind and in front of the swing at a distance of twice the height of the suspending bar. Play structures that are more than one metre high must be spaced at least three metres apart.

“You can’t play there.” Remove any damaged equipment – or render it unusable.

Is there a catch? Try and remove protruding bolt ends or ‘S’ hooks and file down sharp edges or points on equipment.

Constant care. Regularly check the play area and remove tripping hazards like broken or exposed concrete edges and kerbs, tree stumps or rocks.

Beware the fall. Elevated platforms and ramps must have guardrails to prevent falls. Repairs should be documented and carried out by appropriately qualified tradesmen.

Follow established guidelines.

Refer to AS 4422: 1996 Info. re. Impact Absorbing Materials.
Refer to AS 4685: 2004 Info. re. Playground Equipment and Surfaces.

Selecting playground equipment

Some common sense thought starters.

- Consider where the equipment is to be located.
- Consider the age range of the children using the equipment.
- Use only qualified installation contractors.
- Check whether the equipment meets relevant Australian/ New Zealand Standards.
- Obtain as much safety information as possible from the supplier.
- Ensure you meet local council by-laws or guidelines.

Playground supervision

Any child using the playground should be supervised. Preferably by someone who is qualified in first aid.

Where possible, a list of safety rules should be drawn up and the children should be made aware of these.

Tips and advice

While different states have different by-laws and guidelines about playgrounds, many recommend the following.

- a fence should separate the playground from surrounding streets or other dangers
- signs warning of dangers, outlining special rules or listing emergency numbers should be in place
- rubbish bins should be provided adjacent to but not in the playground area
- shade should be made available
- nearby seating should be provided
- water fountains should be made available

Youth Group Activities

Some of the activities and outreach events that are used to attract youth to the Church are extremely physical and can put their personal safety at risk. If due care is not taken, people can be injured.

If someone is injured at a Church-run event, and the Church is found to be negligent, the Church can be held liable.

Injuries excluded from a Church's liability insurance coverage

Most injuries arising from outreach or special events are covered by Public Liability insurance.

Please note, the following activities are specifically excluded from a Church's Public Liability cover:

- Injuries received while playing sport in an organised competition. (The sporting organisation should have personal accident insurance for all participants)
- Injuries caused through an accident involving a registered motor vehicle
- Injuries caused through a work related injury.

Your policy will cover most activities as a matter of course. Some – more dangerous – activities will need to have the express agreement of Ansvr Insurance if we are to cover the participants.

These include:

- rollerblading, roller-skating and skate boarding
- extreme games, such as outdoor rock climbing, caving, whitewater rafting, canyoning, high rope course activities, bungee rope activities (vertical or horizontal), inflatable sumo suit wrestling, gladiator games and paintball/skirmish activities, hand gliding, paragliding, sky diving
- flying foxes
- horse riding.

Making participants aware of risks

Many of these activities are dangerous and participants can be hurt through no fault of the Church. Anyone involved in such activities – whether on Church property or under the direction of Church youth leaders – should be made aware of the risks.

We recommend that parents or guardians sign a release form. This should state that they are aware of the risk and give consent to medical treatment if necessary.

An example [Liability Release Form \(Youth Activities\) can be found in Attachment K](#).

Case studies

Youth Groups can be energetic and boisterous places.

This was certainly true for Mike Townsend's group. As part of a series of challenges, they played Office Jousting.

It starts with two players, two office chairs and some bike helmets. The two players run towards each other from opposite sides of an auditorium. Once up to speed, they jump onto the chairs – lying on their stomachs – before crashing their heads together.

Mike was in pain straight away. The pain turned out to be a fracture to his C7 vertebra. This required surgery and a long recovery. The other player was not injured.

Corrina Fisher's Youth Club does gymnastics.

When learning a new move, the gymnast is assisted by an instructor: someone who stands to one side and guides the gymnast through the movement. The first day Corrina tried tumbling, things didn't go quite according to plan.

"I was being instructed by Geoff Thompson and did a couple of jumps and flips with him catching me. He then left me and another person (Bill) assisting him took over. I did not know at the time that he was unqualified. I did three prep jumps on the mini-tramp as instructed, in order that the person catching would gauge the height of my jump. I jumped off the mini tramp and tucked my legs up to my chest. Bill grabbed my waist and prevented me from completing my flip. We both fell and I landed on my back. The force of my jump caused my legs to keep rotating over me causing a crush fracture of my spine."

The resulting back injury required a long and painful recuperation.

Kids can get very involved in any game.

Sometimes, they're so interested in playing the game, they forget to look for the dangers right under their noses.

As Melinda Davis found out.

As part of a structured youth group activity, Melinda was playing in a game of T ball. Melinda plays catcher. She likes being part of the action and likes being close enough to annoy the batter.

One day, her enthusiasm got the better of her. She kept getting closer and closer to the batter. She was warned to stand back and let him have his turn.

So she stood back, but didn't step far enough away. The batter hit the ball and kept swinging around. His bat caught Melinda in the face, knocking out her teeth.

Luckily the Church was covered and Melinda's hospital costs were paid by the Church's insurance.

Child Molestation

Child molestation can happen anywhere. Church communities are no exception. Whenever your Church organises a camp, conference, trip or adventure activity, every effort must be made to ensure the children are not placed at risk. You must ensure volunteers and staff are not open to false accusations.

Developing a policy on child molestation

This is good starting point in protecting your Church and its congregation. A policy statement will demonstrate the seriousness with which the Church views child molestation.

The policy statement will provide a basis for guidelines to prevent abuse. It should address areas such as screening of ministry leaders, provision of a supervised environment, reporting processes and an appropriate response plan.

The policy and guidelines should be presented to all paid and unpaid leaders.

The Code of Practice should outline behaviors that are considered as unacceptable.

One guideline is the Rule Of Two:

Never just one. Leaders are not to be on their own with a child

It takes two. Counselling of a child must always to be performed by two leaders in a public place

Don't go it alone. Any visits to a child should be made in pairs. No one is permitted to visit a child alone. The visiting partner should not be related to the leader.

Think twice. Do not use inappropriate body touches when showing affection to a child. No kissing. No hugging. No having a child sitting on a leader's lap

Two at a time. Children are to be escorted to the toilet by two leaders. One should check the toilets for strangers. One to wait in the outside doorway.

Minimising the risk of child molestation

While there are any number of precautions you can concentrate on, they fall into four key areas.

1. Screening ministry leaders.
2. Providing a supervised environment.
3. Having reporting processes in place.
4. Having an appropriate response plan.

Screening children's ministry leaders

There must be a process in place where all people working with children, including volunteers, are screened.

Everyone involved in a children's ministry must fill out an application form that includes authority for the Church to complete Police and Community Service checks.

Each state has specific legislative requirements in relation to these checks (see the Ansvar Insurance website for details). The child protection authority in your state should be consulted to ensure your Church is complying with the law.

It is strongly recommended that the following precautions are taken when engaging people to work with children.

- Volunteers in any supervisory role must be partners or members of the Church. They should have attended the Church for at least six months after becoming a partner/member.
- Every applicant must be interviewed by experienced interviewers.
- References must be obtained and checked carefully.
- A Police check should always be conducted.
- A person with a previous record of molestation or similar offence must not be involved in a children's ministry under any circumstances.

Providing a supervised environment

Whether in a playground or in a classroom, some simple guidelines for anyone working with children include:

- Avoid one-on-one counselling situations.
- Always have two adults present when supervising children of any age.
- Do not use physical disciplinary action under any circumstances.
- Take great care with any physical contact or display of affection with children.

Reporting procedures

Mandatory reporting of any abuse should form part of the Church's procedures.

Anyone working with children should be able to recognise signs of abuse. If they require training, send them on an appropriate course before giving them the responsibility.

They should also know the correct procedures for reporting the abuse.

An appropriate response plan

A documented plan is needed to address any allegations of sexual abuse or misconduct.

All allegations must be taken seriously and not trivialised.

The response plan should detail how the Church will respond to:

- allegations of current and ongoing abuse
- allegations of past or previous abuse
- awareness of a Church member's criminal convictions
- awareness of previous acts of abuse by a Church member

When allegations do occur, you should:

- develop procedures to handle allegations
- develop procedures to handle known incidents
- develop procedures to handle known offenders
- develop procedures to care for a victim of alleged abuse
- advise the Police or the child protection authority in your state
- have independent people carry out the investigations
- not trivialise allegations or suspicions of misconduct
- devise and use a standard procedure to report any allegations of abuse
- work together with parents and children in the event of an incident

Any incident that may give rise to a claim should be reported immediately to Ansvar Insurance.

Food Safety



Food safety and Churches

Church kitchens are used to prepare food for the congregation. Often kitchens are used to prepare food for sale to raise funds. Some are used to prepare food for external functions. Some Churches have a catering arm, which provides food for weddings, birthdays and other functions.

While these activities may have been carried out for many years with few problems, the risk of food poisoning is very real if proper hygiene procedures are not followed.

All states have established laws relating to the preparation of food. The laws have been developed largely for commercial operators but they apply equally to community groups that sell food.

Sale of food

'Sale of food' includes food sold at special functions and stalls, meals served as part of a regular event, or meals cooked for a donation.

To reduce the possibility of food poisoning, rigorous standards should be applied at all times. Clear procedures should be developed for the preparation and sale of food. These should be followed on all occasions.

Food preparation and local council by-laws

Each council will have different expectations of a Church kitchen. Some require you to have a Food Safety Program. Some do not.

If your Church has a kitchen and prepares food for sale you will be required to have:

- hot and cold running water
- hand-washing facilities
- a large sink with the capacity for cleaning all cooking equipment
- adequate cleaning equipment such as soap, detergent, brushes, brooms and vacuum cleaners
- easy-to-clean bench-tops and surfaces
- fridges and freezers
- food storage areas that are safe from insects and mice
- rubbish bins
- exhaust fans

Personal hygiene

People involved in preparing and cooking food must:

- remove all jewellery
- never smoke, eat or drink around unprotected food
- never cough or sneeze over food
- wear clean and suitable protective clothing
- cover any lacerations or wounds with a brightly coloured and waterproof bandage, tape or plaster.
- tie back or cover long hair with a net or cap
- wash hands thoroughly (under running warm water using soap) then dry hands thoroughly before handling food, after handling raw food, after handling waste, after using the toilet, after every break and after nose blowing

Displaying food

When displaying food:

- keep hot food above 60 degrees
- keep cold food below 5 degrees
- do not re-heat food in pie warmers or similar equipment
- wrap or cover food
- label trays, not the food
- do not overload the display equipment.

Temperature and food storage

Hot food should be kept at more than 60 degrees. Cold food should be kept at less than 5 degrees. This will help avoid increased bacteria growth.

Particular care needs to be taken with high-risk foods such as dairy products, meat, fish and poultry so that they remain safe for consumption.

It is important that food is taken from the refrigerator as needed, not all at the one time.

Preparation of raw and cooked foods should also be strictly separated.

Other issues

If you are not using a permanent kitchen, at a picnic for example, please check with local councils to ensure you are meeting regulations.

Selling food from a vehicle is likely to require a special council permit and compliance with other regulations.

When running a large event, you may need to obtain a special permit for preparing and supplying food. An event co-ordinator should ensure workers play their part in keeping food safe. They should also keep records of people or caterers supplying food at the event.

Information on the Church's responsibilities

The information contained in this section is based on the *Victorian Food Act 1984 and the Victorian Food Amendment (Regulation Reform) Act 2009*. It is important to note that the legislation will vary from state to state. Your local council will be able to provide information on the requirements for your state.

Recent changes to the Food Act 1984 effecting Aged Care, Child Care and Community Groups that handle food for sale at community events and fundraisers, have been introduced effective 1st July 2010.

Refer to the Act for details.

Bus Transport for Groups



Large Churches sometimes have a bus to transport members of the congregation – often the young or elderly. Any Church with a bus needs to be aware of the rules it needs to follow.

Church responsibilities

Your state transport authority or similar legislative body can detail the responsibilities you have as the owner of such a vehicle. Please ensure you comply with all legislative and regulatory requirements.

Bus safety

If you own or operate a bus, you must:

Keep it well maintained. Vehicles need to be inspected, serviced and well maintained. Records of inspections and servicing should be kept to prove compliance with legislative requirements.

Look before you drive. A check should be made by the driver prior to driving, to ensure the warning-device, indicators, brakes and any other safety equipment are working effectively.

Secure the cargo. Any load carried in the passenger compartment of the vehicle should be firmly secured to ensure it does not become airborne and cause injury to the occupants in the event of an accident. Even disabled passengers must be properly secured if remaining in a wheelchair.

Make sure they comply. Driver compliance can be an issue, especially if your volunteer driver performs the duties of a professional driver. For example, if long distance trips are undertaken, the driver should maintain a log-book.

Make sure they're licensed. Different categories of bus need different licences. Volunteer drivers must be licensed for the category of vehicle you have. Licence details should be obtained and recorded by the Church. The details should be updated at least annually.

Safety first. All drivers should be healthy and not have any disabilities that may affect their capacity to drive safely.

Emergency equipment must be in place and work effectively.

Building Access



It should be easy and it should be safe.

The Building Act 1993 and the Building Code require that it must be safe to enter and exit your buildings. These requirements are usually addressed when a building is being designed.

However, they need to be reviewed if you intend to alter the structure of the property; or when there are changes to the legislation.

The biggest issue is the need to avoid discrimination against people with disabilities. This is the issue most likely to be overlooked when designing new buildings or making alterations to existing ones.

Providing access to all parties using Church buildings

The Building Code of Australia and OH&S regulations dictate that all building owners, provide suitable access for people with disabilities. The Disability Discrimination Act 1992 also outlines certain requirements that must be complied with.

The Disability Discrimination Act 1992

This act was written to ensure people with disabilities are given equal opportunity to participate in and contribute to the full range of social, political and cultural activities in society. It promotes equality of access – physical, informational and attitudinal.

Where buildings are concerned, the only exception is where providing access can be shown to cause unjustifiable hardship.

In these instances, “Hardship” is not about difficulty or cost if there is a reasonable solution.

What happens if you don't comply?

You could be sued. A Court can dictate that the building owners make the building accessible. This often comes at considerable cost. The cost to change the building, the court costs and the cost to your reputation.

Providing access

Ensuring your Church is accessible to everyone is relatively simple.

It starts with a few simple questions.

- Is there anything blocking access?
- Are there ramps for trolleys, pushers and wheelchairs?
- Do you have wide doors that are easy to open?
- Are the signs clear and visible?
- Have any hazards that can be removed, been removed?
- If the hazard cannot be removed, is it easy to notice?
- Can children and short people easily use the facilities?

Once you've identified any access issues, establish a simple action plan.

- Address safety issues first.
- Then address anything preventing ease of access around the building and the general area.
- Lastly, address less critical issues of non-conformance.

Some solutions may not require building alterations.

For example, you may not need to make all areas of the building accessible. If you have a number of meeting rooms, at least one should be accessible to the disabled. Office areas may not need to be accessible unless a disabled person is to be employed in that area.

Help for Churches

Architects with specialist knowledge in the field of inclusive design can help. Consultation does cost money, but it is important to seek help in the design phase of any new facility.

Privacy

The Privacy Act and Churches

The Privacy Act was written to protect people's personal information.

It regulates how your personal information is handled. It covers:

- how your personal information is collected
- how it is then used and disclosed
- its accuracy
- how securely it is kept
- your right to access that information

This legislation applies to all businesses around Australia.

While many Churches are exempt, (as are organisations with a turnover of less than \$3 million) it is important to try and comply with the legislation, as this helps guarantee the security of the personal information of congregation members.

Complying with the legislation

Checklist

- establish a privacy policy. This should be based on the ten *National Information Privacy Principles* outlined below
- explain the Church's privacy policy to congregation members
- appoint a Privacy Contact Person. Someone members of the congregation can speak to regarding the policy or concerns they may have.

Attendance record cards

Many Churches collect information on cards completed by congregation members at weekly services.

Usually this information is provided to a member of the pastoral care team and Church leaders with the purpose of providing feedback to the ministry team.

A Privacy Policy can provide peace of mind to those in the congregation who may be reticent about completing all the questions on the card.

Under the act, members are allowed to access and correct any personal information held by the Church by contacting the Church's Privacy Contact Person.

Information collected and the Privacy Act

All personal information collected may be subject to the provisions of the Privacy Act including names, addresses, telephone and fax numbers, medical information, family information, financial account information and credit card details.

Information obtained in the course of counselling sessions or training courses, or from registration forms and enrolment forms, can also be covered by the Act.

National Information Privacy Principles

Churches need to consider the National Information Privacy Principles when collecting personal information. These are outlined below.

1. Collection. The information must be fair, lawful and unobtrusive. The Church must disclose its name, the purpose of information being collected and how it can be accessed.
2. Use or Disclosure. Information will be used only for the purpose for which it was collected, unless the person from whom it was collected has consented to another use, or the secondary use is directly related to the first.
3. Data Quality. The information collected should be accurate, complete and up-to-date.
4. Data Security. The Church must endeavour to protect personal information from misuse, loss and unauthorised access.
5. Openness. Demonstrated by making a document outlining a Church's information handling practices available to anyone who asks for it.
6. Access and Correction. Individuals have the right to access any personal information the Church may hold about them.
7. Identifiers. Tax File Numbers, Medicare numbers and the like cannot be used or disclosed by the Church.
8. Anonymity. Churches should give people the option to interact anonymously whenever it is lawful and practicable to do so.
9. Trans-border Dataflow. A Church must only transfer personal information to a recipient in a foreign country in circumstances where the information will have appropriate protection.
10. Sensitive Information. Must not be collected unless the individual has consented. The Church cannot do so by law unless it is necessary in relation to a threat to any individual.

Privacy issues for consideration

The Church should consider the following.

- Is it necessary? Private information should only be collected if it is necessary to the Church's mission and ministry.
- Why is it being collected? Whenever information is collected, the person should be informed of its intended use.
- Can it be kept securely? All personal information must be stored securely and not divulged to others without the consent of the individual concerned.
- How long should we keep it? Any personal information that is no longer required, out-of-date or incorrect should be destroyed or amended to ensure its accuracy.

Obtaining more information

More information is available from the Australian Privacy Commissioner's website at www.privacy.gov.au.

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